

ESTTA Tracking number: **ESTTA576885**

Filing date: **12/16/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Nutrishop, Inc.
Granted to Date of previous extension	12/18/2013
Address	880 Wigwam Pkwy.#130 Henderson, NV 89014 UNITED STATES
Attorney information	Catherine J. Holland Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@knobbe.com Phone:949-760-0404

Applicant Information

Application No	85706876	Publication date	08/20/2013
Opposition Filing Date	12/16/2013	Opposition Period Ends	12/18/2013
Applicant	Food Storage Network, LLC 684 W 1000 N Orem, UT 84057 UT		

Goods/Services Affected by Opposition

Class 030. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Processed grains, dessert mixes, namely, brownie mixes, cookie mixes, pastry mixes for use in making desserts, cake mixes, fruit cobbler mixes, and instant pudding mixes, pancake mixes, baking powder, salt, and sugar, stored in dry, freeze-dried, dehydrated, and canned form

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3018521	Application Date	09/25/2003
Registration Date	11/22/2005	Foreign Priority Date	NONE

Word Mark	NUTRISHOP
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2003/06/00 First Use In Commerce: 2003/06/00 retail stores specializing in sports nutrition, vitamins, and weight loss products

U.S. Registration No.	3875719	Application Date	10/13/2009
Registration Date	11/16/2010	Foreign Priority Date	NONE

Word Mark	NUTRISHOP SPORTS NUTRITION & WEIGHT LOSS SUPERSTORES
Design Mark	
Description of Mark	The mark consists of a sun design over the words "NUTRI" in yellow and "SHOP" in blue, below which appear the words "SPORTS NUTRITION & WEIGHT LOSS SUPERSTARS" in white with a black outline.
Goods/Services	Class 035. First use: First Use: 2003/06/00 First Use In Commerce: 2003/06/00 Retail store services featuring sports nutrition, dietary supplements, vitamins, weight loss products, fitness products and fitness apparel

Related Proceedings	Opposition No. 91211679 Opposition No. 91211683
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Attachments	77847565#TMSN.jpeg(bytes) nshop027m.pdf(100208 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Catherine J. Holland/
Name	Catherine J. Holland
Date	12/16/2013